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ILLINOIS COMMERCE COMMISSION

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ORIGINAL

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

THE DEPARTMENT OF TRANSPORTATION
OF THE STATE OF ILLINOIS, for and in
behalf of the People of the State of Illinois,

Petitioner,

vs.

A.T.&T. COMMUNICATIONS OF
ILLINOIS, INC.

Respondent.

No. 01-0039

Parcel 3HL0044TE

PETITION FOR APPROVAL TO TAKE PROPERTY

NOW COMES THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS, Petitioner, by JAMES E. RYAN, ATTORNEY GENERAL and STANLEY L. MORRIS, Special Assistant Attorney General, and for its Petition for Approval to Take Property states:

1. Petitioner has engaged in the construction, operation and maintenance of FAP Route 704 (Veterans Parkway), a State highway under the control and jurisdiction of Petitioner, in McLean County, Illinois, under and by virtue of the Illinois Highway Code(605 ILCS 5/2-101 through 5/2-220 and 5/4-101 through 5/4-511). The lands and premises hereinafter described and legally described as set out in Exhibit "A", which is attached hereto and incorporated

by this reference, are required as a part of the expansion of Veterans Parkway, from Commerce Parkway to Eastland Drive in Bloomington, McLean County, Illinois from the existing four-lanes to a six-lane facility by constructing two additional lanes against the existing outer lanes (hereafter the "Project"). Parcel Number 3HL0044TE is located at Station 212 + 76.32 to Station 215 + 43.46.

2. Respondent, A.T.&T. Communications of Illinois, Inc., is a telecommunications carrier as defined in the Universal Telephone Service Protection Law of 1985, (220 ILCS 5/13-100 et seq.), operates as a telecommunications carrier within Illinois and is subject to the jurisdiction of the Illinois Commerce Commission.
3. The land, rights, and other property hereinafter described are private property and the Respondent appears to own, have an interest in, or claim to have some interest therein.
4. The Project is a public work, is for public use and constitutes a public purpose, namely the improvement of FAP Route 704 (Veterans Parkway), in McLean County, Illinois as described in Paragraph 1 hereinabove; it is in the public convenience and necessity that the Petitioner have and acquire a temporary easement in Parcel 3HL0044TE, more particularly described in Exhibit "A", attached hereto, for construction purposes for a period of three (3) years.

5. The compensation to be paid by the Petitioner to the Respondent for this parcel or the interest therein or the form of conveyance cannot be agreed upon between the Petitioner and the Respondent and the Petitioner, therefore, is authorized, subject to the initial approval of the Illinois Commerce Commission, to proceed to acquire said lands, rights or other property through the exercise of the right of eminent domain under the Eminent Domain Laws of Illinois.

WHEREFORE, Petitioner prays the Illinois Commerce Commission enter an Order authorizing Petitioner to proceed with an action in eminent domain to acquire from Respondent, A.T.&T. Communications of Illinois, Inc., a temporary easement for construction purposes for a period of three (3) years in Parcel 3HL0044TE, more particularly described in Exhibit "A", all in accordance with Article VII (735 ILCS 5/7-101 through 5/7-129) of the Illinois Code of Civil Procedure.

THE DEPARTMENT OF
TRANSPORTATION,
STATE OF ILLINOIS, Petitioner

JAMES E. RYAN, ATTORNEY GENERAL

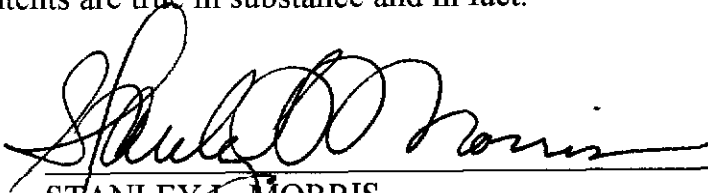
By 

Stanley L. Morris, Special
Assistant Attorney General

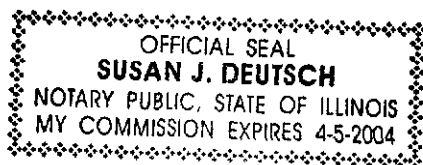
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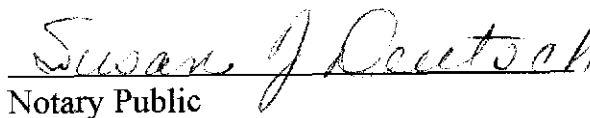
STATE OF ILLINOIS)
)
COUNTY OF SANGAMON) SS

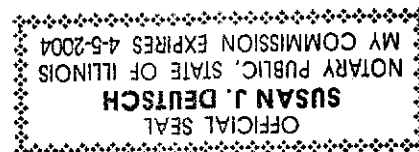
I, STANLEY L. MORRIS, of lawful age and being first duly sworn, depose and say that I am a Special Assistant Attorney General for the State of Illinois, that I have read the above and foregoing Petition by me subscribed, have knowledge of the contents thereof and that on information and belief said contents are true in substance and in fact.


STANLEY L. MORRIS
Special Assistant Attorney General

Subscribed and sworn to before me, a Notary Public, this 12th day of January, 2001.




Notary Public



PROOF OF SERVICE

The undersigned certifies that on Jan. 12, 2001, a copy of the foregoing document was deposited in the U.S. Mail, with postage prepaid, at Springfield, Illinois, plainly addressed to:

CT Corporation
208 South LaSalle Street
Chicago, IL 60604-1136

Mr. Arthur Wright
Real Estate Division
A.T.&T. Communications
of Illinois, Inc.
10 South Canal Street - 25th Floor
Chicago, IL 60606

and the original was filed with the Chief Clerk, Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, Illinois 62794-9280.

Susan J. Deutsch